

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Swinerton Builders,

Plaintiff,

V.

Zurich American Insurance Company, Travelers Insurance Company, ACE American Insurance Company, Atlantic Casualty, Continental Western Insurance Company, Hartford Casualty Insurance Company, ACEA American Insurance Company and CNA Transportation Insurance Company, St. Paul Mercury Insurance Company & Amerisure Mutual Insurance Company,

Defendants.

CIVIL ACTION NO. 4:10-CV-01791

Appendix to
Plaintiff Swinerton Builders' Motion for Partial Summary Judgment Against
Defendant Amerisure Mutual Insurance Co. on the Duty to Defend

The following is a list of Exhibits to Plaintiff Swinerton Builders' Motion for Partial Summary Judgment Against Defendant Amerisure Mutual Insurance Co. on the Duty to Defend:

Exhibit	Description	App. Pages
Exhibit A	University's Original Petition	SWIN App. 000001-000016
Exhibit B	University's First Amended Petition	SWIN App. 000017-000035
Exhibit C	University's Second Amended Petition	SWIN App. 000036-000054
Exhibit D	University's Third Amended Petition	SWIN App. 000055-000073
Exhibit E	University's Fourth Amended Petition	SWIN App. 000074-000094

Exhibit	Description	App. Pages
Exhibit F	Policy No. CPP 2003071 for the Policy Period of October 1, 2002, to October 1, 2003	SWIN App. 000095-000210
Exhibit G	Policy No. CPP 2003071 for the Policy Period of October 1, 2003, to October 1, 2004	SWIN App. 000211-000387
Exhibit H	Policy No. CPP 2003071 for the Policy Period of October 1, 2004, to October 1, 2005	SWIN App. 000388-000551
Exhibit I	Subcontract between Swinerton & NOW	SWIN App. 000552-000702
Exhibit J	Certificates of Liability Insurance, Certificate # 35048 (dated 6/23/03, 9/25/03, 9/23/04 & 11/11/04)	SWIN App. 000703-000706
Exhibit K	January 15, 2008 Letter from Amerisure's Dan Duvall to Patrick Wielinski	SWIN App. 000707
Exhibit L	Unpublished Cases Cited in Motion	SWIN App. 000708-000737
	<i>Boss Mgmt. Servs. v. Acceptance Ins. Co.</i> , 2007 U.S. Dist. LEXIS 69666 (S.D. Tex. 2007)	SWIN App. 000708-000722
	<i>Global Sun Pools, Inc. v. Burlington Ins. Co.</i> , 2004 Tex. App. LEXIS 7552 (Tex. App.—Dallas Aug. 23, 2004, no pet.)	SWIN App. 000723-000724
	<i>Mid-Continent Cas. Co. v. Acad. Dev., Inc.</i> , 2010 U.S. Dist. LEXIS 28049 (S.D. Tex. Mar. 24, 2010)	SWIN App. 000725-000730
	<i>Mid-Continent Cas. Co. v. Acad. Dev., Inc.</i> , 2010 U.S. Dist. LEXIS 87637 (S.D. Tex. Aug. 24, 2010)	SWIN App. 000731-000737
Exhibit M	Affidavit of Keith Schnell	SWIN App. 000738-000739